

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

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| UNITED STATES OF AMERICA | § | |
| | § | |
| vs. | § | NO: WA:24-CR-00075(1)-ADA |
| | § | |
| (1) JOSE OMAR CARVAJAL-GARCIA | § | |

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On December 6, 2024 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (1) JOSE OMAR CARVAJAL-GARCIA, which alleged that Carvajal-Garcia violated a condition of his supervised release and recommended that Carvajal-Garcia's supervised release be revoked (Clerk's Document No. 29). A warrant issued and Carvajal-Garcia was arrested. On December 17, 2024, Carvajal-Garcia appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Carvajal-Garcia appeared before the magistrate judge on January 21, 2025, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on January 22, 2025, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on

the original offense and the intervening conduct of Carvajal-Garcia, the magistrate judge recommends that this court revoke Carvajal-Garcia supervised release and that Carvajal-Garcia be sentenced to imprisonment for SIX (6) months, with credit for time served and with no term supervised release to follow the term of imprisonment (Clerk's Document No. 42).

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.


On January 21, 2025, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 41). The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 42) is hereby **ACCEPTED AND ADOPTED** by this court.

IT IS FURTHER ORDERED that Defendant (1) JOSE OMAR CARVAJAL-GARCIA's term of supervised release is hereby **REVOKED**.

IT IS FURTHER ORDERED that Defendant (1) JOSE OMAR CARVAJAL-GARCIA be imprisoned for SIX (6) months with credit for time served and with no term of supervised release.

Signed this 4th day of February, 2025.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE